



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2006 REGULAR SESSION

SENATE BILL NO. 171

AS ENACTED

WEDNESDAY, APRIL 12, 2006

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TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY Handie Addison

AN ACT relating to public safety and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 11 IS CREATED TO
READ AS FOLLOWS:

(1) To the extent funds are made available, the Commonwealth Office of Technology shall establish a statewide planning and mapping system for public buildings in this state for use by response agencies who are called to respond to an act of terrorism or an emergency.

(2) The statewide planning and mapping system for public buildings shall include:

(a) Floor plans, fire protection information, building evacuation plans, utility information, known hazards, and information on how to contact emergency personnel;

(b) The manner by which the information required by paragraph (a) of this subsection shall be transferred to the system from state agencies and the local political subdivisions who participate in the system;

(c) Standards for the software that shall be used by state agencies and local political subdivisions that participate in the system;

(d) Conditions for use of the system by response agencies;

(e) Guidelines for:

1. The accessibility and confidentiality of information contained within the system; and

2. The incorporation, in connection with the use of the system, of the items described in paragraph (b) of subsection (3) of this section;

(f) In accordance with information obtained by the Office for Security Coordination, a priority for the distribution of any money that may be available for state agencies and political subdivisions to participate in the system; and

1 (g) Guidelines recommended by the Division of Emergency Management for
 2 the training of persons employed by the response agencies concerning the
 3 use of the system.

4 (3) To the extent money is available, state agencies and political subdivisions shall:

5 (a) Participate in the statewide planning and mapping system; and

6 (b) Incorporate into their use of the system, without limitation:

7 1. Evacuation routes and strategies for evacuation;

8 2. Alarms and other signals or means of notification;

9 3. Plans for remaining inside a building, room, structure, or other
 10 location during an emergency when egress may be impossible or when
 11 egress may present a more substantial risk than remaining inside; and

12 4. Training and strategies for prevention in connection with attacks
 13 involving violence.

14 If a state agency or political subdivision uses its own planning and mapping
 15 system before the Commonwealth Office of Technology establishes a statewide
 16 planning and mapping system, the state agency or political subdivision may
 17 continue to use its system unless money is made available for the state agency or
 18 political subdivision to update or modify its system as necessary for inclusion in
 19 the statewide system.

20 (4) The Commonwealth Office of Technology:

21 (a) Shall pursue any money that may be available from the federal government
 22 for the development and operation of a statewide planning and mapping
 23 system for public buildings, and for the distribution of grants to state
 24 agencies and political subdivisions that participate in the system; and

25 (b) May accept gifts, grants, and contributions for the development and
 26 operation of a statewide planning and mapping system, and for the
 27 distribution of grants to the state agencies and political subdivisions that

1 participate in the system.

2 (5) Each state agency and political subdivision that participates in the system shall,
 3 on or before July 1, 2007, and on or before July 1 of each year thereafter, submit
 4 to the Commonwealth Office of Technology a progress report setting forth, in
 5 accordance with regulations promulgated by the Commonwealth Office of
 6 Technology, the experience of the agency or political subdivision with respect to
 7 its participation in the system. The Commonwealth Office of Technology shall
 8 receive and process the progress reports, and provide a summarized overview of
 9 the system to the Legislative Research Commission on or before October 1, 2007,
 10 and on or before October 1 of each year thereafter.

11 Section 2. KRS 198B.010 is amended to read as follows:

12 As used in this chapter, unless otherwise provided:

13 (1) "Assembly occupancy" means the occupancy or use of a building or structure or any
 14 portion thereof by a gathering of persons for civic, political, travel, religious, social,
 15 or recreational purposes, including among others:

- 16 (a) Armories;
- 17 (b) Assembly halls;
- 18 (c) Auditoriums;
- 19 (d) Bowling alleys;
- 20 (e) Broadcasting studios;
- 21 (f) Chapels;
- 22 (g) Churches;
- 23 (h) Clubrooms;
- 24 (i) Community buildings;
- 25 (j) Courthouses;
- 26 (k) Dance halls;
- 27 (l) Exhibition rooms;

- 1 (m) Gymnasiums;
- 2 (n) Hotels;
- 3 (o) Lecture rooms;
- 4 (p) Lodge rooms;
- 5 (q) Motels;
- 6 (r) Motion picture theaters;
- 7 (s) Museums;
- 8 (t) Night clubs;
- 9 (u) Opera houses;
- 10 (v) Passenger stations;
- 11 (w) Pool rooms;
- 12 (x) Recreation areas;
- 13 (y) Restaurants;
- 14 (z) Skating rinks;
- 15 (aa) Television studios;
- 16 (bb) Theaters.

- 17 (2) "Attic" means the space between the ceiling beams of the top habitable story and the
- 18 roof rafters.
- 19 (3) "Basement" means that portion of a building the average height of which is at least
- 20 half below grade, which is ordinarily used for purposes such as storage, laundry
- 21 facilities, household tool shops, and installation and operation of heating, cooling,
- 22 and ventilating facilities, but which is not ordinarily used for purposes of general
- 23 household habitation.
- 24 (4) "Building" means any combination of materials, whether portable or fixed, which
- 25 comprises a structure or nonmine underground area affording facilities or shelter for
- 26 any human occupancy, whether infrequent or regular, and also means single-family
- 27 dwellings, including those sold or constructed under a trade or brand name. The

1 word "building" shall be construed wherever used herein as if followed by the
2 words "or part or parts thereof and all equipment therein" unless the context clearly
3 requires a different meaning. "Building" shall also mean swimming pools
4 constructed below grade on site, but not swimming pools assembled above grade on
5 site. "Building" shall not mean a manufactured home governed by the National
6 Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C.
7 secs. 5401 et seq., or a farm dwelling or other farm buildings and structures incident
8 to the operation and maintenance of the farm if the farm structures are located
9 outside the boundary of a municipality and are not used in the business of retail
10 trade or used as a place of regular employment for ten (10) or more people or
11 structures used in the storage or processing of timber products.

12 (5) "Business occupancy" means the occupancy or use of a building or structure or any
13 portion thereof for the transaction of business, the rendering or receiving of
14 professional services, or the displaying, selling, or buying of goods, wares, or
15 merchandise, or the housing of vehicles of transportation, except where occupancy
16 is of high hazard, including among others:

- 17 (a) Banks;
- 18 (b) Barber shops;
- 19 (c) Beauty parlors;
- 20 (d) Department stores;
- 21 (e) Garages;
- 22 (f) Markets;
- 23 (g) Service stations;
- 24 (h) Offices;
- 25 (i) Stores;
- 26 (j) Radio stations;
- 27 (k) Telephone exchanges;

- 1 (l) Television stations.
- 2 (6) "Certified building inspector" means a person who has been certified by the office
3 as having successfully completed the test requirements provided by KRS 198B.090
4 to practice as a city, county, or state building inspector within the Commonwealth.
- 5 (7) "Certified plans and specifications inspector" means a person who has been certified
6 by the office as having successfully completed the test requirements provided by
7 KRS 198B.090 to practice as a city, county, or state plans and specifications
8 inspector within the Commonwealth.
- 9 (8) "Certified plumbing inspector" means a person who has been certified by the office
10 as having successfully completed the test requirements provided by KRS 198B.090
11 and 318.140, or 318.090 to practice as a city, county, or state plumbing inspector
12 within the Commonwealth.
- 13 (9) "Executive director" means the executive director of housing, buildings and
14 construction.
- 15 (10) "Construction" means the erection, fabrication, reconstruction, substantial alteration
16 or conversion of a building, or the installation of equipment therein, but shall not
17 include the ordinary repair of a building or structure.
- 18 (11) "Office" means the Office of Housing, Buildings and Construction.
- 19 (12) "Educational occupancy" means the occupancy or use of a building or structure or
20 any portion thereof by persons assembled for the purpose of learning or of receiving
21 educational instruction. **"Educational occupancy" shall not include a building for**
22 **occupancy or use by thirty-five (35) persons or less assembled to receive religious**
23 **and educational instruction. "Educational occupancy" includes but is not limited**
24 **to**~~[, including among others]~~:
- 25 (a) Academies;
- 26 (b) Care centers;
- 27 (c) Colleges;

- 1 (d) Kindergartens;
- 2 (e) Libraries;
- 3 (f) Preschools;
- 4 (g) Relocatable classroom units;
- 5 (h) Schools;
- 6 (i) Seminaries;
- 7 (j) Universities.

8 (13) "Equipment" means facilities or installations, including but not limited to, heating,
9 electrical, ventilating, air conditioning, and refrigerating facilities or installations.

10 (14) "High hazard occupancy" means the occupancy or use of a building or structure or
11 any portion thereof that involves highly combustible, highly flammable, or
12 explosive materials or which has inherent characteristics that constitute a special
13 fire hazard, including among others:

- 14 (a) Aluminum powder factories;
- 15 (b) Charging or filling stations;
- 16 (c) Distilleries;
- 17 (d) Dry cleaning plants;
- 18 (e) Dry dyeing plants;
- 19 (f) Explosive-manufacture, sale or storage;
- 20 (g) Flour and feed mills;
- 21 (h) Gasoline bulk plants;
- 22 (i) Grain elevators;
- 23 (j) Lacquer factories;
- 24 (k) Liquefied petroleum gas;
- 25 (l) Mattress factories;
- 26 (m) Paint factories;
- 27 (n) Pyroxylin-factories, or warehouses;

1 (o) Rubber factories.

2 (15) "Industrial occupancy" means the occupancy or use of a building structure or any
3 portion thereof for assembling, fabricating, finishing, manufacturing, packaging, or
4 processing operations, except for occupancies of high hazard, including among
5 others:

6 (a) Assembly plants;

7 (b) Creameries;

8 (c) Electrical substations;

9 (d) Factories;

10 (e) Ice plants;

11 (f) Laboratories;

12 (g) Laundries;

13 (h) Manufacturing plants;

14 (i) Mills;

15 (j) Power plants;

16 (k) Processing plants;

17 (l) Pumping stations;

18 (m) Repair garages;

19 (n) Smokehouses;

20 (o) Workshops.

21 (16) "Industrialized building system" means any structure or component thereof which is
22 wholly or in substantial part fabricated in an off-site manufacturing facility for
23 installation or assembly on a permanent foundation at the building site.

24 (17) "Institutional occupancy" means the occupancy or use of a building or structure or
25 any portion thereof by persons harbored or detained to receive medical, charitable,
26 or other care or treatment, or by persons involuntarily detained, including among
27 others:

- 1 (a) Asylums;
- 2 (b) Homes for the aged;
- 3 (c) Hospitals;
- 4 (d) Houses of correction;
- 5 (e) Infirmaries;
- 6 (f) Jails;
- 7 (g) Nursing homes;
- 8 (h) Orphanages;
- 9 (i) Penal institutions;
- 10 (j) Reformatories;
- 11 (k) Sanitariums;
- 12 (l) Nurseries.

13 (18) "Mobile home" means mobile home as defined in KRS 227.550.

14 (19) "Ordinary repair" means any nonstructural reconstruction or renewal of any part of
15 an existing building for the purpose of its maintenance, or decoration, and shall
16 include, but not be limited to, the replacement or installation of nonstructural
17 components of the building such as roofing, siding, windows, storm windows,
18 insulation, drywall or lath and plaster, or any other replacement, in kind, that does
19 not alter the structural integrity, alter the occupancy or use of the building, or affect,
20 by rearrangement, exitways and means of egress; but shall not include additions to,
21 or alteration of, or relocation of any standpipe, water supply, sewer, drainage, gas,
22 soil, waste, vent or similar piping, electric wiring, or mechanical equipment
23 including furnaces and hot water heaters or other work affecting public health or
24 safety.

25 (20) "Story" means that part of a building comprised between a floor and the floor or
26 roof next above which is not a basement or an attic.

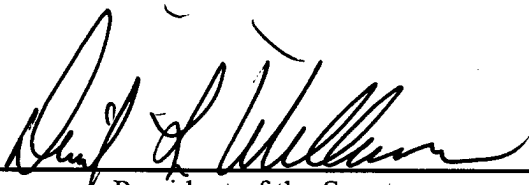
27 (21) "Person with a physical disability" means a person confined to a wheelchair; a

1 person who uses braces or crutches; a person who because of the loss of a foot or
2 leg or because of an arthritic, spastic, pulmonary, or cardiac condition, walks with
3 difficulty or insecurity; a person who suffers from a faulty coordination or palsy; a
4 person who is blind or whose sight is so impaired that, functioning in a public area,
5 he or she is insecure or exposed to danger; a person whose hearing is so impaired
6 that he or she is unable to hear warning signals; and a person whose mobility,
7 flexibility, coordination, and perceptiveness are significantly reduced by aging.

8 (22) "Facility for persons with physical disabilities" means any convenience or device
9 which facilitates the health, safety, or comfort of a person with a disability,
10 including, but not limited to, ramps, handrails, elevators, and doors.

11 (23) "Manufactured home" is defined as in KRS 227.550.

12 Section 3. Whereas the hardship placed on communities will continue absent
13 passage of Section 2 of this Act, an emergency is declared to exist, and Section 2 of this
14 Act takes effect upon its passage and approval by the Governor or upon its otherwise
15 becoming a law.

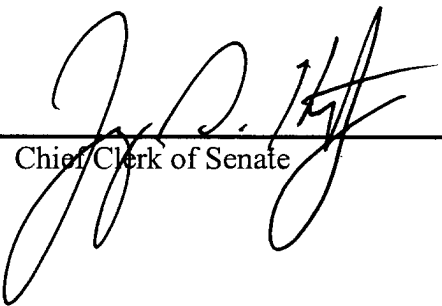


President of the Senate




Speaker House of Representatives

Attest:



Chief Clerk of Senate

Approved



Governor

Date

